



Practitioner's Docket No. 1392/18/2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gayle Dace, William Kimmerly

Application No.: 09/879,279

Group No.: 1639

Filed: June 12, 2001

Examiner: Epperson, Jon D

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED OLIGONUCLEOTIDES AND  
MAGNETIC BEADS

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed April 7, 2005, for a second time rejecting claims 1-8, 12-15, and 18-24.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

10/11/2005 HDEMESS1 00000068 500426 09879279

01 FC:1401 500.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_.

Date: 10/17/2005

Amy Yost  
Signature

Amy Yost  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee	\$1,020.00
-----	------------

If an additional extension of time is required, please consider this a petition therefor.

**4. OTHER FEES DUE**

Information Disclosure Fee	\$180.00
----------------------------	----------

**5. TOTAL FEE DUE**

The total fee due is:

Information Disclosure fee	\$180.00
Notice of Appeal fee	\$500.00
Extension fee	\$1,020.00
<b>TOTAL FEE DUE</b>	<b>\$1,700.00</b>

**6. FEE PAYMENT**

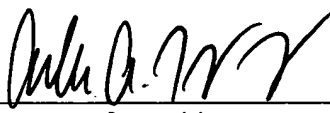
Authorization is hereby made to charge the amount of \$1,700.00 to Deposit Account No. 50-0426.

A duplicate of this transmittal is attached.

Date:

10/07/2005

Reg. No.: 39,395  
Tel. No.: 919-493-8000  
Customer No.: 25297



Signature of Practitioner  
Arles A. Taylor, Jr.  
JENKINS, WILSON & TAYLOR, P.A.  
Suite 1400 University Tower  
3100 Tower Boulevard  
Durham, NC 27707